

ATTACHMENT H

RESOLUTION _____

**RESOLUTION AUTHORIZING THE CITY OF NEW BRIGHTON TO
ADOPT AN ORDINANCE ESTABLISHING A PROCEDURE FOR
ADJUDICATING
ADMINISTRATIVE OFFENSES AND PROVIDING FOR A SCHEDULE OF
OFFENSES
AND ADMINISTRATIVE PENALTIES**

WHEREAS, the City Council of the City of New Brighton has adopted an ordinance establishing a procedure for adjudicating administrative offenses and providing for a schedule of offenses and administrative penalties, and

WHEREAS, said ordinance authorizes the City Council, from time to time, to identify administrative offenses and establish penalties for such offenses.

NOW, THEREFORE, BE IT RESOLVED, the City Council does hereby resolve:

1. Listed below are administrative offenses and administrative penalties for such offenses:

<u>OFFENSE</u>	<u>ADMINISTRATIVE PENALTY</u>
Alcohol	
Purchase, Possession by Underage Person, Lending Identification	100.00
Person Who Sells to Person Under 21 Years of Age	100.00
Licensee Who Sells to Person Under 21 Years of Age	
- 1st Offense	1000.00
- 2nd Violation in 24 Months	1500.00
- 3rd Violation in 24 Months	2000.00
All Other Violations	100.00
Animals	
Vicious Animal	50.00
All Other Animal Violations	25.00
Building Code	100.00
Fill Permits	100.00
Failure to Apply for License	50.00

<u>OFFENSE</u>	<u>ADMINISTRATIVE PENALTY</u>
Fires	
No Open Fires	25.00
Fire Code	100.00
Fireworks	
Use, Possession, Sale Prohibited	25.00
Land Use	100.00
Licenses Not Occurring Elsewhere	50.00
Miscellaneous	
Illegal Dumping	50.00
Consuming Alcohol in Unauthorized Places	25.00
Tampering with Civil Defense Warning System	50.00
Seat Belts	10.00
Expired License Plates	25.00
Missing Plate/Tabs	35.00
Trespassing	25.00
Golf Cart and All Terrain Vehicle Violation	25.00
Curfew	10.00
Noise Complaints	50.00
Noise Complaints - Second Call in 12 months	100.00
Parking	
Handicap Zone	200.00
Fire Lane	25.00
Snowbird	25.00
Blocking Fire Hydrant	25.00
All Other Illegal Parking	20.00
Parks	
Park Ordinance Violations	25.00
Peddling	75.00
Public Nuisance	100.00

<u>OFFENSE</u>	<u>ADMINISTRATIVE PENALTY</u>
Regulated Businesses	100.00
Signs	50.00
Snowmobiles	25.00
Speed (1-10 mph over posted limit)	40.00
Weapons	
Discharge or Display of Pellet/BB/Splat Guns	50.00
Wetland/Shore Land	100.00
Worthless Check	100.00

Adopted this _____ day of _____, 2003.

Steve Larson, Mayor

Jeanna Troha, Asst. City Manager

ATTEST:

Dan Maiers
Finance Director/City Clerk

**CITY OF NEW BRIGHTON
ORDINANCE NO. _____**

**AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 18
ESTABLISHING A PROCEDURE FOR ENFORCING ADMINISTRATIVE
OFFENSES.**

The City Council of the City of New Brighton, Minnesota, does hereby ordain:

I.

The City Code of the City of New Brighton is hereby amended by adding Article V,

Administrative Offenses, to Chapter 18, Offenses, to read as follows:

Article V. Administrative Offenses

Section 18-60. Purpose. Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

Section 18-61. Administrative Offense Defined. An administrative offense is a violation of a provision of this Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 18-68, hereafter.

Section 18-62. Notice. Any officer of the New Brighton Department of Public Safety (Police) or any other person employed by the City, and having authority to enforce this Code, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

Section 18-63. Payment. Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

Section 18-64. Hearing. Any person contesting an administrative offense pursuant to this Chapter may, within seven (7) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed.

Section 18-65. Hearing Officer. The City Manager or a City employee designated in writing by the City Manager shall be the hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Chapter.

Section 18-66. Failure to Pay. In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the City for the same violation.

Section 18-67. Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City Finance Director and may be deposited in the City's general fund.

Section 18-68. Offenses and Penalties. Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Manager.

Section 18-69. Subsequent Offenses. In the event a party is charged with a subsequent administrative offense within a twelve (12) month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by twenty-five percent (25%) above the previous administrative penalty except as otherwise stated in the fine schedule or by resolution.

II.

This Ordinance shall be in full force and effect from and after its passage and publication.

PASSED by the City Council of the City of New Brighton this _____ day of _____, 2003.

Steve Larson, Mayor

Jeanna Troha, Asst. City Manager

ATTEST:

Dan Maiers
Finance Director/City Clerk